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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,892	09/07/2004	Teru Sakamaki	CU-3904-RJS	6674
26530 7590 02/24/2010 LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604				
EXAMINER				
MIKELS, MATTHEW				
ART UNIT		PAPER NUMBER		
2876				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/506,892

**Applicant(s)**

SAKAMAKI ET AL.

**Examiner**

MATTHEW MIKELS

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 34, 37, 41, 42, 45 and 46 is/are pending in the application.  
4a) Of the above claim(s) 41 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 34, 37, 42, 45 and 46 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/23/04, 5/30/08, 3/16/09, 12/2/09  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II, claims 1-8, 34, 37, 41-42, and 45-46 in the reply filed on August 6, 2009 is acknowledged. However, claim 41 is dependent on non-elected claim 38. Accordingly, claim 41 will not be treated on the merits hereinafter.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5-6, 34, 42, 45, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore (US 6347319).

Regarding claims 1, 42 and 45, Moore teaches a unit and method for receiving contents and a contents code corresponding to the contents (column 3, lines 2-10);

a storage unit (10) which stores the contents and the contents code (column 3, lines 64-65: the database 10);

a code reading unit which reads the contents code from a paper-type display medium on which the contents code is recorded (column 3, lines 21-23); and

a control unit (column 3, line 24: the processor) which obtains the contents corresponding to the contents code read by the code reading unit from the storage unit and displays the contents on the paper-type display medium (column 3, lines 28-32).

Regarding claim 2, Moore teaches the control unit recording a code (16) indicating a times-of-use, which is a number of times the contents are displayed on the paper-type display medium, on the paper-type display medium (column 4, lines 2-3: the activity summary 16 serves to report the times of use).

Regarding claim 5, Moore teaches a list (24) presenting unit which presents a list of information (24) related to a plurality of contents corresponding to the contents code read by the code reading unit (column 4, lines 38-43); and

a unit (22) which displays the contents selected from the list by a user on the paper type display medium (column 4, lines 37-38).

Regarding claim 6, Moore teaches the paper-type display medium comprising a contents display portion in which the contents are displayed, and an invariable code recording portion in which the contents code is recorded in an unalterable state (column 3, lines 2-10: a printed barcode is unalterable).

Regarding claim 34, Moore teaches a contents receiving unit which receives contents (column 3, lines 2-10);

a contents storing unit which stores the contents (column 3, lines 64-65);

a contents code reading unit which reads a contents code and an attribute code

from a paper-type display medium on which the contents code and the attribute code are recorded (column 3, lines 21-23);

a contents obtaining unit which obtains the contents corresponding to the contents code and the attribute code read by the contents code reading unit from the contents storing unit (10) (column 3, lines 21-23); and

a control unit which displays the contents obtained by the contents obtaining unit on the paper-type display medium (column 3, line 24: the processor).

Regarding claim 46, Moore teaches a step which assigns a contents code corresponding to the contents (column 3, lines 2-6: the machine readable code serves as the contents code); and

a step which applies the contents code to the paper-type display medium (column 3, lines 1-2: the substrate serves as the paper type display medium, see column 4, lines 7-12: documents are paper type display media).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Okamoto, et al. (US 2002/0004767, herein Okamoto).

Regarding claims 3 and 4, Moore teaches the system of claim 1, as discussed above, as well as displaying contents on a paper type display medium (see above).

Moore does not teach reading a code indicating a limited times of use, performing an action when the times of use is smaller than the limited times of use, or displaying the times of use.

Okamoto teaches teach reading a code indicating a limited times of use, performing an action when the times of use is smaller than the limited times of use (paragraphs 0208-0209, Fig. 13), and displaying the times of use (paragraph 0209: the message is output to the input/output unit 62)

It would have been obvious to one having ordinary skill in the art at the time of invention to add the limited times of use detection of Okamoto to the device of Moore, so that the device of Moore only displays the contents when the times of use is less than a number and outputs the number to the paper like display of Moore, because having a maximum number of reads can ensure that the system is not stuck and working properly at a certain point in the reading and also can ensure security of the system.

Regarding claim 7, Moore in view of Okamoto teaches the system of claim 3, as discussed above.

Moore further teaches the paper-type display medium comprising a contents display portion in which the contents are displayed, an invariable code recording portion in which the contents code and a code indicating the limited times-of-use in an unalterable state (column 3, lines 4-5), and a variable code recording portion in which a code indicating the times-of-use in an alterable state (column 3, lines 17-20: further action alters the mark or code).

Regarding claim 8, Moore in view of Okamoto teaches the system of claim 7, as discussed above.

Moore further teaches characteristic information of the paper type display medium being recorded in the invariable code recording portion (column 3, lines 53-55).

7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Davis, et al. (US 7044395, herein Davis).

Regarding claim 37, Moore teaches the system of claim 34, including the contents, contents receiving unit, and contents storing unit, as discussed above.

Moore does not teach the contents being a program and the receiving unit and contents storing unit being digital broadcasting receivers.

Davis teaches the contents being a program (columns 4-5, lines 66-67 and 1-12: the machine instructions serve as a program) and components of the system being digital broadcast receivers (column 20, lines 15-42: the network components receives and send signals via the digital network, so they serve as digital broadcast receivers).

It would have been obvious to one having ordinary skill in the art at the time of invention to add the machine instructions (program) and network components (digital broadcast receivers) of Davis to the system of Moore, because having machine instructions (program) of Davis allows for more robust features in the system, and adding the network components (digital broadcast receivers) allows the system to be deployed in more areas, since the components do not need to be near one another.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Silverbrook, et al. (US 681039) discloses a method and system for accessing the internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW MIKELS whose telephone number is (571)270-5470. The examiner can normally be reached on Monday to Friday, 7AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit: 2876

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/M. M./  
Examiner, Art Unit 2876

/Michael G Lee/  
Supervisory Patent Examiner, Art Unit 2876